

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN
GREEN BAY DIVISION

DUSTIN S. SOULEK, individually, and
as representative of a Class of Participants
and Beneficiaries, on Behalf of the Costco
401(k) Retirement Plan;

Plaintiff,

Case No. 1:20-cv-937-WCG

v.

COSTCO WHOLESALE CORPORATION, *et al.*

Defendants.

**PLAINTIFF'S MOTION FOR ATTORNEYS' FEES, COSTS, AND CLASS
REPRESENTATIVE COMPENSATION AWARD**

TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

PLEASE TAKE NOTICE that on July 18, 2022 at 9:30 a.m., before the Honorable William C. Griesbach, United States District Judge, in Courtroom 201 of the United States District Court for the Eastern District of Wisconsin, in Green Bay, Wisconsin, Plaintiff Dustin S. Soulek ("Plaintiff") will and hereby does move this Court for an Order awarding: (1) attorneys' fees to Class Counsel in the amount of \$1,500,000 (29.4% of the \$5.1 million Gross Settlement Amount); (2) reimbursement of \$25,405.04 in litigation costs; and (3) a class representative service award in the amount of \$10,000 to Plaintiff.

This motion is made pursuant to Federal Rule of Civil Procedure 23(h) and

Paragraph 8.3 of the Parties' Class Action Settlement Agreement (*Dkt. 50-1*) and is based on the accompanying Memorandum of Law and authorities cited therein, the Declaration of Paul M. Secunda, the previously filed declaration of the Class Representative (*Dkt. No. 51*), the Settlement Agreement, and all files, records, and proceedings in this matter.

Counsel for Plaintiff have conferred with counsel for Defendants regarding this motion and have been advised that Defendants take no position directly or indirectly on Class Counsel's application for attorneys' fees and expenses because Class Counsel has not sought an award of attorneys' fees that exceed \$1,500,000 (one million, five hundred thousand dollars), litigation costs and expenses that exceed \$40,000 (forty thousand dollars), and has not requested Class Representative's Compensation in an amount that exceeds \$10,000. (*Dkt. 50-1, ¶¶ 8.1-8.2*) As of the filing of this motion, there also have been no objections to the proposed attorneys' fees and costs, litigation costs, or Class Representative Compensation.

Dated this 18th day of May, 2022

WALCHESKE & LUZI, LLC

s/ Paul M. Secunda

James A. Walcheske

Scott S. Luzi

Paul M. Secunda

235 N. Executive Dr., Suite 240

Brookfield, Wisconsin 53005

Telephone: (262) 780-1953

Fax: (262) 565-6469

E-Mail: jwalcheske@walcheskeluzi.com

E-Mail: sluzi@walcheskeluzi.com

E-Mail: psecunda@walcheskeluzi.com

ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

I hereby certify that on May 18, 2022, I caused a copy of the foregoing to be electronically filed with the Clerk of the Court by using the CM/ECF system, which will send a notice of electronic filing to all counsel of record.

Dated: May 18, 2022

s/Paul M. Secunda
Paul M. Secunda